

## REMARKS

Claims 1 through 21 remain pending. Applicants respectfully traverse and request reconsideration.

### Summary of Office Action mailed February 25, 2008

Claims 1-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,734,980 (issued Mar. 31, 1998) to Hooper, et al., [hereinafter “*Hooper*”] in view of U.S. Patent No. 7,218,942 (issued May 15, 2007) to Koo, et al. [hereinafter “*Koo*”].

### Regarding independent claim 1

Regarding Hooper, the Office Action admits that Hooper does not teach “logic circuitry, operatively coupled to the memory, and operative to perform a first more-preferred SID acquisition sequence and then a second more-preferred SID acquisition sequence that includes repeatedly attempting acquisition of the at least one more-preferred stored SID element using a same frequency during the second more preferred SID acquisition sequence.” See USPTO Office Action, page 3 (mailed Feb. 25, 2008), hereinafter [“OA”]. The Office Action therefore alleges that Koo teaches this subject matter.

Koo only discloses searching for a digital channel that matches a previously obtained digital channel, without concern about the system, or the SID, associated with the digital channel, and explicitly excludes SID information. For example, Koo states that “the scan list includes only channel information, not SID nor NID.” See Koo, col. 1, lines 66-67 (underlining emphasis added).

The mobile communication terminal as disclosed by Koo, when positioned in an AMPS area, re-scans the MRU table and makes a scan list in step S37. See Koo, col. 4, lines 5-7. The

mobile terminal only uses a digital channel, for call origination, from the scan list, if it appears in the MRU table, otherwise it uses AMPS. See Koo, col. 4, lines 8-17.

Therefore, as disclosed by Koo, the only parameter of concern in the check in Koo, (as shown in Koo, FIG. 4, block S38), is whether a “digital channel exists in [the] MRU table.” See Koo, FIG. 4. In other words, Koo does not check whether the network, or the digital network is more-preferred by checking the SID, (in fact the scan list includes only channel information, not SID nor NID) but rather only checks whether there is a digital channel detected that matches a digital channel in a table (the MRU table). See Koo, col. 4, lines 5-17. Further, Koo only tries to use a digital channel for call origination, but otherwise camps on the network prevalent in an area, whether it be digital or analog. See Koo, col. 4, lines 18-19; col. 3, lines 59-61, FIG. 4, step S33.

In contrast, Applicants have described various problems solved by the instant claims, for example, if a “wireless device camps on the less-preferred stored SID element and not on the more preferred stored SID element . . . [t]he user may possibly incur roaming charges, although the wireless device is actually within the coverage area corresponding to the more-preferred stored SID element.” See U.S. Patent Application Publication No. 2005/0085228, page 2, ¶ 0009 (published Apr. 21, 2005), [hereinafter “Spec.”].

“[T]he circuit repeatedly scans for the more-preferred (i.e., home) system even after the circuit determines that acquisition on the more-preferred system is unavailable and acquires service from a less-preferred system.” See Spec., page 2 0018. Therefore the claims, such as claim 1, recite *inter alia*, “logic circuitry . . . operative to perform a first more preferred SID acquisition sequence that includes repeatedly attempting acquisition of the at least one more-preferred stored SID element using a same frequency during the second more-preferred SID acquisition sequence.” As discussed above, Koo only discloses searching for a digital channel

that matches a previously obtained digital channel, without concern about the system, or the SID, associated with the digital channel. Therefore Koo does not obtain the advantages of the instant claims.

Further therefore, the combination suggested by the USPTO does not arrive at the invention of claim 1. The Office Action suggests that “it would have been obvious to one of ordinary skill in the art at the time of invention to modify **Hooper** including logic circuitry, operatively coupled to the memory, and operative to perform a first more-preferred SID acquisition sequence and then a second more-preferred SID acquisition sequence that includes repeatedly attempting acquisition of the at least one more-preferred stored SID element using a same frequency during the second more preferred SID acquisition sequence in order to provide a method for transmitting digital channel with priority of a mobile communication terminal capable of searching/transmitting a digital channel with priority which is available for service in an analog field area.” See OA, page 4.

Applicants respectfully submit that this argument is flawed on two grounds. First, Koo as discussed above does not disclose performing “a first more-preferred SID acquisition sequence and then a second more-preferred SID acquisition sequence that includes repeatedly attempting acquisition of the at least one more-preferred stored SID element using a same frequency during the second more preferred SID acquisition sequence.” Second, the reasoning used toward making the combination is not applicable to Applicants’ claim 1. Claim 1 achieves something different than “[provid[ing]] a method for transmitting digital channel with priority of a mobile communication terminal capable of searching/transmitting a digital channel with priority which is available for service in an analog field area” as suggested by the Office Action. See OA, page 4. The Office Action’s suggested combination appears to only summarize the system disclosed

by Koo, which prefers to use a digital channel for call origination when in an analog field. As discussed above, Koo explicitly excludes the SID when searching for a digital channel.

In accordance with claim 1, one of the many advantages over the systems of Hooper and Koo includes that a mobile has a decreased probability of camping on a less-preferred stored SID element (which among other things may result in undesirable roaming charges). As discussed above, Koo does not disclose any additional subject matter over Hooper that would arrive at Applicants' claim 1, whether taken alone or in combination with Hooper.

Reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection of claim 1 is respectfully requested.

Regarding independent claims 6, 8, 10, 14, 19

Independent claims 6, 8, 10, 14 and 19 have been rejected "under the same rational set forth in connection with the rejection of claim 1." See OA, page 6. Therefore, these claims are allowable for the same reasons provided above with respect to claim 1.

Reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection of claims 6, 8, 10, 14 and 19 is respectfully requested.

Regarding the dependent claims

The dependent claims, which add other novel and non-obvious features, are allowable for at least the reasons provided above for the independent claims.

For example, claim 3, as discussed on pages 10 and 11 of Applicants' Response the Office Action of May 22, 2007, requires that the circuit is operative to perform the second more preferred SID acquisition sequence if the more preferred stored SID element is not acquired during the first more preferred SID acquisition sequence. Once again, it is alleged that Hooper teaches this subject matter. See OA, page 4. However, as discussed in Applicants' previous

response, the cited portion of Hooper, although performing a background scan, does not repeat within that background scan a sequence nor does it use a same frequency during a repeated attempt during a second more preferred SID acquisition sequence. Accordingly, claim 3 is in condition for allowance.

## CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicants respectfully request that a timely Notice of Allowance be issued in this case. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,

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